

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

[WRIT JURISDICTION]

WRIT PETITION 1280 / 2002

IN THE MATTER OF: -

GAMIN BAI, Aged about 31 years
'SARPANCH'
GRAM PANCHAYAT URKURA
BLOCK OFFICE DHARSINWA
DISTT. - RAIPUR [C.G.]

PETITIONER

VERSUS

1. STATE OF CHHATTISGARH
THROUGH COLLECTOR,
Raipur [C.G.]
2. Additional collector
Distt. Raipur, C.G.
3. Additional Commissioner
Raipur Division
Raipur [C.G.]

P. R. No. 1281/02
Presented by Shri A.K. Saket
dated 29.06.02

RESPONDENTS

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

आदेश पत्रक

W.P. NO. 1280/2002

मामला क्रमांक

सत्र 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>26/08/2002</u> Shri Kamal Mohan Gupta, counsel for the petitioner. Shri Sanjay K. Agarwal, Deputy Advocate General for the State. Shri R.S. Patel, counsel for the Caveator. Heard. As directed by this Court on 19/08/2002, an affidavit has been filed by the Sub-Divisional Officer (Revenue), Raipur, that on the basis of a preliminary inquiry, the authorities on being satisfied that irregularities have been committed by the Upsarpanch, Urkura a notice under Section 40 of the Panchayat Raj Adhiniyam, 1993 has been issued to him to show cause why he be not removed. In this view of the matter, it is expected of the authorities to continue with the inquiry and pass appropriate orders in accordance with law. This petition has been filed for quashing the order dated 18/06/2002 passed by the Additional Collector, Raipur, in Case No. 3/B/121/2001-2002 whereby the said Additional Collector has reviewed his order dated 17/05/2002 and thereby vacated the order of stay granted in favour of the petitioner. Admittedly, the impugned order was passed after hearing the petitioner as a consequence of remand order dated 31/05/2002	

[पीछे देखिये]

आदेश पत्रक

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विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	• आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	passed by the Additional Commissioner, Raipur Division, Raipur in Case No.6/B-121/2002-2002. The proceedings initiated against the petitioner relate to her removal from the post of Sarpanch Gram Panchayat, Urkura on the basis of complaints lodged against her. On 06/08/2002 copy of the writ petition was directed to be served on State counsel, who was also required to obtain record. When the matter came up for hearing learned counsel for the petitioner fairly stated that arguments have already been heard by the Additional Collector/respondent no.2 on merits and the matter is closed for orders. In the above view of the matter, the Court is of the opinion that it would not be appropriate to proceed further with the writ petition for if ultimately any adverse order is passed against the petitioner by the Additional Collector, he would be free to take recourse to such remedy as may be available to him under the law. Accordingly, this writ petition, which is against an interim order, stands disposed of. It is expected of the respondent no.2 to pass appropriate orders as early as possible. It may be observed that as action under Section 40 of the Panchayat Raj Adhiniyam, 1993 has also been initiated against the	

[पीछे देखिये]

आदेश पत्रक

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 3 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Up-sarpanch, it would not be appropriate to permit the said Up-sarpanch to deal with the financial matters relating to Gram Panchayat. Accordingly, it is directed that the Chief Executive Officer of the Janpad Panchayat may look after the affairs of the Gram Panchayat, Urkura or the Prescribed Authority may take steps in this regard in accordance with law for making some interim arrangement. Certified copy as per rules.	Sd/- P.C.Naik Judge